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SATURDAY MORNING, FEBRUARY 10, 1866.

GENERAL ASSEMBLY OF LOUISIANA.

FRIDAY, FEBRUARY 9, 1866.

Senate.

Pursuant to adjournment from yesterday, the Senate met at noon to-day, Lieutenant Governor Voorhies presiding.

On the roll being called, 29 members responded.

Prayer was offered by the Rev. Mr. Walker.

The journal of yesterday's proceedings was read and approved.

During the proceedings the following members were present—Messrs. Abney, Anderson, Barrow, Bell, Brusle, Barthe, Campbell, Coco, Cooley, Duvigneaud, Egan, Ellis, Foute, Gibson, Gordon, Hough, Kenner, Kelso, Lapeyre, Lott, Mohan, Monday, Newton of Jackson, Newton of Morehouse, Nelson, Palfrey, Poche, Purcell, Scruggs, Taylor, Welch and Wilcoxon—32 Senators.

Mr. Brusle, from the Committee on Enrollments, reported correctly enrolled, the bill to provide for the lease of the New Canal.

Mr. Palfrey presented a memorial from Oscar Arroye, praying for relief. Received and referred to the Committee on Claims.

Mr. Poche presented a memorial from Louis Gregg, of St. John the Baptist, in relation to a method of stopping crevasses. Received and referred to the Committee on Public Works, Lands and Levees.

Mr. Wilcoxon, from the Committee on Contingent Expenses, reported favorably on the resolution to appropriate $150 for per diem and mileage to the Hon. John Nelson, as contestant for his seat in the Senate claimed by Nicolas. The report and resolution were adopted.

Mr. Abney, from the Committee on Elections, presented a report of the petition of B. L. Lynch, contesting the seat of Cornelius Fellowes, Esq. The committee found, after careful examination, that the evidence did not sustain the allegations of the petitioner, and that Cornelius Fellowes, Esq., had been duly elected. The report was adopted.

Mr. Taylor, from the Committee on Printing, presented an unfavorable report on the act in relation to judicial advertisements, as the law already provides amply for them. The report was received.

Mr. Newton, of Morehouse, introduced a bill to amend and re-enact an act to increase the revenue of the State, and to raise means to pay the interest of the State debt. It was read a first and second time, and referred to the Finance Committee.

On motion of Mr. Munday, leave of absence was granted to the Senator from St. Mary, Mr. Palfrey; and on motion of Mr. Brusle, to the Senator from Pointe Coupee, Mr. Cooley.

Mr. Mohan introduced an act to legitamize Andrew Jackson Dunn, son of John Dunn and Mary Ann Hickey. It was carried through its various stages and passed.

A message was received from the House through Mr. Halsey, Assistant Clerk, announcing that the Speaker had signed the act to provide for the lease of the New Canal, and the act to authorize John Bellow and others of the family to resume their original name of Howel. It also requested the signature of the President to the police bill and to the bill providing for the issue of bonds to pay certain debts.

A message from the Governor was received. It announced that his Excellency had approved and signed the joint resolution for the relief of the residents of the Vacherie Settlement; also, the bill for the relief of the sureties of the late A. J. Law, sheriff of the parish of St. James; also, the bill to authorize the police jury of St. Mary to reduce the jury wards of that parish to five. The message was received and ordered to be entered on the journal.

Another communication from the Governor announced that he had received and considered the act to repeal the act granting privileges for the construction of a steamboat canal from Vermillion Bay to the Sabine river, and that he returned it without his approval, because he considered that it divested the beneficiaries of vested rights and violates a contract, which cannot be constitutionally done except for cause, while no such cause is shown in the bill. He had been officially notified by the parties interested that they had complied with the terms of the bill and were doing so; and he thought if there was any question about this, it ought to be left for the decision of the courts. The passage of the bill, he considered, could not but involve the State in litigation.

Mr. Palfrey would like to have the consideration of this measure postponed to Monday week, February 19th. Leave of absence had been granted to him, and he would be compelled to leave the city to-morrow, to attend to business of an urgent nature. He thought it would not be possible for him to get back before the end of next week.

Mr. Kenner said that, although the terms of the Constitution required the Senate to proceed to consider a message received from the Governor, they do not require that the action with regard to it shall be at once determined, and that the motion of the Senator was, therefore, quite proper. He seconded it.

The question being put, Mr. Palfrey's motion was carried.

Mr. Palfrey subsequently moved to reconsider this vote, on the ground that some Senators about him had doubts whether the postponing of the consideration of the measure would not take the whole subject out of the hands of the Senate, and he read from article sixty of the Constitution of 1864, which is as follows: "Every bill which shall have passed both Houses, shall be presented to the Governor; if he approves, he shall sign it; if not, he shall return it, with his objections, to the House in which it originated—which shall enter the objections at large upon its journal, and proceed to consider it. If, after such consideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall be likewise considered, and if approved by two-thirds of all the members elected to that House, it shall be a law. But, in such cases, the vote of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be law in like manner as if he had signed it; unless the General Assembly, by adjournment, prevent its return." It had been suggested to him by the Senator on his left (Mr. Egan), a gentleman well acquainted with constitutional law, that it was doubtful whether, under this, the House was not required to dispose of the message at once.

Mr. Egan said the gentleman had misapprehended him. It was suggested to him that there was a provision in the Constitution which required matters of this kind to be disposed of within three days, and he mentioned this. He proceeded to search if the information was correct, but his attention was called off for the movement, and the gentleman had taken it for granted that it was so. He had since satisfied himself that there was no such provision. This being the case, however, if the Senator wished to proceed at once, he was as well prepared now as he would be at future time to do so, and would not object.

Mr. Palfrey said he was not prepared to deal with the measure at once, as a document giving important information on the subject, and to which he desired to refer, was not in his possession. He thought the measure might at least be partially considered at once, and the further consideration postponed from day to day, until he should get back. If this would jeopardize the measure, however, he would rather at once take necessary steps to dispose of it.

Mr. Kenner said that to his mind there was no question more positively settled than that the reading of such a message as this, and making any motion whatever with regard to it, was a consideration of it. In the case of the celebrated veto of Gen. Jackson on the bank question, the discussion was carried on for months. The veto of Mr. Tyler, on the same subject, was also considered at great length. If Senators would refer to the provisions on the subject in the Constitutions of 1845 and 1852, they would find them the same as in those of 1864; and they had all been taken from the Constitution of the United States. He would instance, as another case in point, a striking one that occurred in this State when Mr. Walker was Governor. He vetoed the Citizen's Bank bill. When the message was received, it was found that there was not the requisite quorum present to repass the bill, and the consideration of the message was postponed for three weeks, in order to wait for one Senator to make up the quorum. It was evidently only right, and therefore provided, that this power should exist; otherwise a Governor might wait to send in his message until he knew one-third of the members were absent, and that as one or two members among the remaining two-thirds would sustain him, and make it obligatory to proceed, and that therefore his veto could not be over-ridden, although it certainly would be, were there a full attendance of members. He seconded the motion for a reconsideration and postponement.

Mr. Egan said he perfectly agreed with the Senator from Ascension, (Mr. Kenner,) and again explained how it was that the Senator from St. Mary had been led to a misapprehension.

The question being put for a reconsideration, it was carried.

Mr. Palfrey then read the third section of the act which the vetoed bill proposed repealing. It is as follows:

SEC. 3. *Be it further enacted, etc.*, That said canal, forming an important link in the line of communication between New Orleans and Texas for commercial purposes, travel and mail carriage, and also calculated to redeem, in part, the extensive marsh and worthless lands through which it passes, all unoccupied land belonging to the State between said canal, when completed from Vermillion Bay to Sabine River, as indicated in the first section of this act, and the coast of the Gulf of Mexico and the islands in said lakes, and all lands belonging to the State on the other or north side of said canal, within twenty miles of the same, through which the canal passes, be and the same are hereby sold, released and granted to said first named persons, at the rate and price of twenty-five cents per acre, on the following terms and considerations, to-wit: Said parties shall commence said canal within four months after the termination of the present war, and complete the same within three years thereafter; but said parties may commence and complete any portion or the whole of said canal at any earlier day, if the condition of the country should permit, and shall pay the price due and owing to the State within ten years from the passage of this act; and if said parties should fail to commence and complete said canal, or to pay said stipulated price per acre on said lands, within the respective times above stated, they shall forfeit all rights under this act to the canal and land not so paid for.

Now, continued the Senator, this was sufficient of itself to satisfy any one of the profligate and corrupt character of the measure, as he had illustrated to the Senate when the bill was before it. And, besides this, he had given evidence to the Senate that the grantees had forfeited their rights, by not having commenced the canal, not merely within four months from the termination of the war, but up to the time of the passing of the act repealing the iniquitous measure. He would be able to do this again as soon as he could get back to his seat in the chamber. This, he presumed, would be accounted such a consideration of the veto as would warrant the postponement he asked for till Monday week, Feb. 19, 1866, and for which he now moved.

The motion was unanimously agreed to.

Mr. Brusle offered a bill requiring the removal of a dyke erected by a Federal military officer across Bayou Marangouin. Read a first and second time, and referred to the Committee on Public Works, Lands and Levees.

Mr. Munday called up the bill relative to the drawing of juries in the parishes of St. Martin and Vermillion. He moved an additional section to it repealing laws inconsistent with it, and declaring it in force from its passage, which was adopted, and the bill was carried through its various stages and passed.

Mr. Abney introduced a bill to authorize the canceling of the sale of certain sixteenth sections in the parish of Bossier. It was read a first and second time, and referred to the Committee on Public Education.

A communication from the Auditor of Public Accounts was received, with a copy of his report to the General Assembly of the State of Louisiana, for the period commencing the 1st day of October, 1864, (the date of the last report) to the 31st day of December, 1865. It was received and referred to the Committee on Finance.

Mr. Scruggs introduced a bill to license the sale of patent medicines, etc. It was read a first and second time and referred to the Committee on Charitable Institutions.

Mr. Poche introduced an act to amend article 172 of the Code of Practice. Read a first and second time and referred to the Committee on the Judiciary.

Mr. Anderson introduced a bill to amend an act to incorporate a company for the improvement of Pass a l'Outre. Of the disposition of this measure we have no note.

Mr. Brusle called up the bill relative to the sessions of the Supreme Court, which, on motion of Mr. Egan, was again referred to the Judiciary Committee, by whom a favorable report on it had been previously made.

Mr. Munday called up the act to amend article 1739 of the Civil Code. The object of the amendment was to authorize a husband to donate to his wife such as the law allows him to donate to a stranger. The bill was carried through its various stages and passed.

Mr. Poche called up the bill to repeal the homestead law of the 22d December, 1865. Read a first and second times and referred to the Judiciary Committee.

Mr. Egan called up the bill for the relief of the Louisiana State Seminary of Learning and Military Academy. The committee had attached a proviso that only a certain proportion of the appropriations shall be paid during the present year. The bill was carried through its various stages and passed.

On motion of Mr. Gibson the respite bill was called up and made the order of the day for Tuesday.

On motion of Mr. Kenner, the consideration of the calendar was postponed, and the bill to provide for the calling of a constitutional convention was taken up. Having been read,

Mr. Foute said the bill was the same in spirit as that which had been introduced last session, remodeled by the Senator from Claiborne. He had already so fully expressed his views upon the subject that he would not again trespass on the attention of the Senate by reiterating them.

Mr. Egan spoke at considerable length in support of the bill, urging the necessity for it in consequence of the confusion and litigation caused by the existence of two different sets of laws, and the impossibility of reconciling them in certain cases. He also argued for it on the ground that the people ought to be allowed to express their views and feelings, as a whole, in relation to the great questions before the country, an opportunity to do which they have not yet had.

He thought the true policy was to call a convention and have proceedings under both sets of laws legitimized wherever practicable, and to have the questions as to whether the ordinance of secession carried the State out of the Union or not, and whether the abolition of slavery was effected or not, as well as to other questions affecting them, settled really by the people of the State. Nobody could doubt what their verdict would be; but he thought it ought to be actually and formally taken so as to give the highest possible assurance to the Executive at Washington of the feelings and convictions of the people, and not leave it open to be said there by the radicals that they really did not accept the situation.

Mr. Kenner wished to call the attention of the Senate to the fact that the House of Representatives had postponed the consideration of this measure to the 15th of March. It was true that this was not necessarily to guide their action; but he thought that it would be well that the Senate should not at present pledge themselves to any course which they might afterwards regret. It was clear to him that we are on the eve of a great political revolution or split between two of the branches of the government at Washington; and this was another reason why he could wish the legislature not to do anything which might put it in the power of the radical party to raise an argument against us. He thought this only prudence and common sense; and would therefore move to postpone the further consideration of the bill till the 10th of March.

Mr. Egan opposed this, and again urged the necessity to do something to prevent the confusion and litigation attendant on the present state of legal questions, especially in his parish. He saw no reason why our action in purely domestic concerns should be delayed by the political state in Washington, alluded to by the Senator from Ascension (Mr. Kenner); and that the calling of this convention and its action would strengthen the arm of the Executive.

Mr. Gordon moved to postpone the bill indefinitely, as a test vote, because he thought the Senate ought to come to some decision on the subject. He supported the bill on grounds similar to those advocated by the Senator from Claiborne (Mr. Egan).

The question was then put on Mr. Gordon's motion. The yeas and nays were called, and the motion was lost. The following was the vote:

Yeas—Messrs. Anderson, Barrow, Bell, Campbell, Hough, Newton of Jackson, Newton of Morehouse, Purcell and Wilcoxon—9 yeas.

Nays—Messrs. Armstrong, Brusle, Barthe, Cooley, Duvigneaud, Egan, Ellis, Foute, Gibson, Gordon, Kelso, Kenner, Lapeyre, Lott, Mohan, Munday, Nelson, Palfrey, Poche, Scruggs, Taylor and Welch—22.

Then the question was put on Mr. Kenner's motion, which was carried by the following vote:

Yeas—Messrs. Anderson, Armstrong, Barrow, Bell, Brusle, Campbell, Duvigneaud, Gibson, Hough, Kenner, Lott, Munday, Newton of Jackson, Newton of Morehouse, Nelson, Purcell, Scruggs, Welch and Wilcoxon—19.

Nays—Messrs. Barthe, Cooley, Egan, Ellis, Foute, Gordon, Kelso, Lapeyre, Mohan, Palfrey, Poche and Taylor—12.

The further consideration of the bill was therefore postponed till the 10th of March.

Mr. Hough introduced a joint resolution for the appointment of a joint committee composed of the whole of the members of each House on amendments to the Constitution. On motion of Mr. Mohan, the consideration of the resolution was postponed until the 10th of March next.

Mr. Kenner called up the bill for the relief of B. F. Morehead. Read a first and second time and referred to the Committee on Claims.

Mr. Duvigneaud called up the bill relative to the publication of legal and judicial advertisements in the parish of Orleans. After some very desultory talk and unrecognized motions for a reference to the Committee on Printing and for adjournment, the bill was, on motion of Mr. Kenner, read, and, on motion of Mr. Brusle, made, together with a substitute for one of its sections, the order of the day for Wednesday next, and ordered to be printed.

Mr. Barthe, from the Judiciary Committee, presented a report favorable on the bill fixing the times and places for the holding of courts in the Twelfth Judicial District; on the bill to change the time for holding courts in the Fourth Judicial District; and on the act to repeal the act respecting pledges, by substitute.

A message was received from the House of Representatives by Mr. Halsey, Assistant Clerk, requesting the signature of the President to the act to amend the act relative to elections in the parish of Orleans.

On motion of Mr. Bell, the Senate then adjourned to Monday next, Feb. 12, at noon.

House of Representatives.

The House met at 12. The leave of absence granted to the Speaker having expired, he resumed his place this morning as presiding officer.

The minutes having been read, the printing bill, passed by the House yesterday, was ordered to be reconsidered, on motion of Mr. McCloskey, who said he had been informed this morning by Mr. Jewell of the Star, that part of the printing for which ten dollars a page was allowed by the bill could be profitably done for seven dollars per page.

The engrossment of the bill having been reconsidered, and the measure having been thus put back upon its second reading,

Mr. Austin, chairman of the Committee on Printing, objected to any action on the bill at present. But sixty-eight, of one hundred and eighteen members were present—very little more than a bare quorum. A snap judgment had been taken on the House. Advantage had been taken of the absence of a large number of the friends of the bill to obtain a reconsideration. Many of the absentees were gentlemen who had closely investigated the subject. He trusted, therefore, no attempt would be made to amend the bill, which had been so fully discussed yesterday, until its friends were present. He moved to make the bill the special order for Monday.

The question was asked if the bill was now open to amendment. Mr. Stille signified his desire to amend the bill.

The Chair decided that the bill, by the reconsideration, was returned to its second reading, but would have to take its place on the calender. As the consideration of the bill was not now in order, it could only be taken up by a suspension of the rules.

A suspension of the rules was moved by Mr. Stille.

Mr. Elam denied having formed any combination to take advantage of the absence of the friends of the bill, and in this, as in all other matters, he wished to legislate fairly. The House would be fuller during the day, and in an hour or two the bill might be taken up.

Mr. Austin suggested that the Senate did not sit on Saturday. The bill, therefore, could not be acted upon before Monday in that body.

Mr. Elam admitted that was true, but it was possible to have a fair vote during to-day in the House, and, if the motion to suspend the rules was withdrawn, the House could call up the bill when its friends were present.

Mr. Austin moved to lay Mr. Stille's motion to suspend the rules on the table.

Mr. Stille withdrew his motion.

Mr. McCloskey denied any knowledge of a combination in regard to the bill.

Mr. Scanlan had voted for a reconsideration, but as a courtesy to his colleague and other gentlemen. He should not vote against the amendment he understood was to be proposed, because he had full confidence in the Committee on Printing. He was assured by the State Printer that under the bill the printing of the State would not cost over $30,000 a year. He believed Col. Nixon to be a man of honor, and would accept what he said on the subject. Upon a printing bill of $30,000, which Mr. S. did not regard as excessive, there could not be extravagant profit.

Mr. Couvillon rose to a personal explanation. The abstract of his remarks on the printing bill yesterday, published in the CRESCENT, was not satisfactory to him, and he was allowed to spread the following on the minutes:

My remarks on the consideration of Printer's bill, was this: "That I was proud that the honorable member from New Orleans, Mr. DeLabarre, had offered that amendment; that provided for the publication of the journal in both languages (English and French.) That I very little expected to be again compelled to rise in defense of the French language; as I thought that this matter had been already settled by a vote taken in this House some few days ago; as I seen there was a *catch* in the committee report."

A resolution introduced by Mr. Halsey was adopted, providing for the appointment of a committee of five on the part of the House to examine the annual report of the State Auditor and the State Treasurer.

THE BOARD OF LEVEE COMMISSIONERS.

Mr. Walker, from the Finance Committee, reported favorably the Senate bill to ratify and confirm the appointments made by the Governor of a board of levee commissioners, and, on motion of Mr. W., the House proceeded to the immediate consideration of the bill, which was on its second reading. The bill provided that the appointments of the Governor last summer to the board of levee commissioners should be confirmed and ratified; that they should have entire control of the construction of the levees; that they should continue in office until suspended by law; should be entitled to mileage, and, when in session, six dollars per diem; should have authority to appoint a secretary, engineers, chairmen, etc., and fix the compensation of those officers and employees, and also provided an appropriation of $20,000 to pay the expenses of the board and the salaries of its officers and exployees.

Mr. Bailey moved to amend so that the term of office of the board should expire at the commencement of the next session of the Legislature.

Mr. Scanlan suggested the close of the session. That would allow time for the passage of a general law under which these commissioners would be superseded.

The suggestion was accepted by Mr. Bailey and the amendment, in that form, was adopted.

Mr. Bailey proposed to amend further by limiting the expenditures, by the board, to one million of dollars.

The amendment was laid on the table by a vote of 42 to 32.

Mr. McCloskey moved to fix the limit at a million and a quarter.

Mr. Walker argued against any limitation. The necessity of additional levees was being made known constantly, and it was absurd to place a limitation upon the expense of works of unknown extent. What damage might be done yet by the river could not be foretold, and it was unwise to restrict the board, unless gentlemen could at the same time devise something else to restrain the Mississippi within its banks.

Mr. McCloskey withdrew his amendment.

Mr. Bailey renewed it. He maintained it was the duty of the legislature to restrict the board within reasonable bounds. No man or set of men should be allowed to run the State into indefinite indebtedness.

Mr. Scanlan, in regard to the observation of the chairman of the Finance Committee that the necessity of additional levees was being made known constantly, said he had no doubt such was the fact, and if fifty millions of dollars were appropriated for the purpose more would be wanted. But a check should be had upon this expenditure. It should be stopped somewhere, and he was in favor of the limit proposed by Mr. Bailey.

Mr. Eustis would limit the power of the board because it was not a permanent but an impermanent and provisional board, and the State was in no way committed to any policy the board might adopt. The board had been appointed without authority of law, at the urgent request of gentlemen from the country, to meet a certain contingency. It was admitted the Governor had appointed the board without authority of law, but the sense of justice of the legislature was appealed to to confirm the appointment and approve the action of the board, and the legislature recognizing the propriety of the measure, under the circumstances, yielded all legal objection and approved what had been done. Now, however, a very different proposition came up. The Assembly was asked to bestow upon these commissioners unlimited power. They were to have unlimited authority in the expenditure of money, and whatever expenditure they should make, it was to be expected the debt would have to be paid by the entire State. If these commissioners were not restricted, could the chairman of the Finance Committee, could any gentleman present, say what would be spent? Could they say whether it would be five, ten or fifteen millions that would have to be paid for this outlay, by taxation? It was not wished to cripple the usefulness of the board, but to exercise a wise discretion. The legislature did not design to build every levee in the State, but to pay for that work which had already been undertaken, and which had been deemed necessary as a general public good. The board should not be invested with unlimited power to spend an unlimited sum.

Mr. Walker admitted the necessity of some boundary, but it should also be admitted that the necessities in this case were very great. In consequence of the devastated condition of the riparian plantations, the impoverishments of the owners and the demoralization of labor, the old levee laws could not be enforced. Hence, if the work was left to the parishes as formerly, it would not be done, and a liberal allowance was necessary to secure the productiveness of the alluvial lands. He thought two millions would not be too much, and he moved to fix the limit at that sum.

Mr. Bailey objected. First, they were told at the extra session five hundred and fifty thousand dollars was a sufficient sum. Then an appropriation of a million of State bonds was granted, and now two millions were asked. And so this thing would go on. An appropriation of two millions now would be cited as a precedent for the next legislature. This whole levee system as now carried on was unjust to the State.

Mr. Head, supposing the bill provided an appropriation for levee constructions, offered an amendment limiting the expenditures of the board to the sum appropriated, but he withdrew the amendment upon being informed that the only appropriation made by the bill was for the expenses of the board and its officers and employees.

Mr. Elam addressed the House at length against the system proposed by the bill. He concurred in the views of Mr. Eustis. It was monstrous that unlimited power to contract debts should be conferred on the board. The bills already contracted, he was informed, amounted to eight hundred thousand dollars. He contended that this bill virtually contained an appropriation of money, not specified in it, and therefore was unconstitutional either under the Constitution of '52 or that of '64, which provided that no money should be drawn from the treasury without a specific appropriation. But these were not his only objections. He objected to the whole scheme as a general tax for a sectional benefit. It had always been the policy of the State, and this was an innovation upon its settled policy, that for local improvements the taxation should be local, should be imposed upon those benefited. Such had been the policy of the State, sanctioned by the decision of the Supreme Court in regard to railroads. Each parish or political corporation decided for itself whether it should be taxed for the improvement. The same rule should be applied to levees as to all other internal improvements. The fundemental principle of the bill was wrong. The people of the State should not be taxed for the benefit of the owners of swamp lands. He, therefore, proposed a substitute for all the amendments that any debt contracted by the Board of Commissioners should be paid out of road and levee fund, or the swamp land fund, or by taxation upon the alluvial lands benefited by the works. He would put this as a test question, and called for the yeas and nays.

Mr. Couvillon thought the bill was not correct. The people only had the right to tax themselves for such objects as these, under the Constitution. This legislature might approve what had already been done, but could do no more.

Mr. McConnell observed that the argument of the gentleman from De Soto (Mr. Elam) was substantially a repetition of what he had said at the extra session, that the taxes for these levees could only be imposed by the people themselves, and after the State had been divided into internal improvement districts. But the sense of the House was then decidedly against him, both on the constitutional point and the duty of the State. The opinion of the House was that this was a great national concern, and assigned a million in bonds to repair the breaches in our levee system. He did not understand it to be the design to maintain this as the permanent levee system of the State, but that this was a temporary measure to redeem an immense body of the most valuable lands from the utter devastation to which they must go if the State should not give her aid. The argument as to unconstitutionality was not good. The gentleman had maintained that this work could not be done without the establishment of improvement districts. If improvement districts were created, then this bill would be unconstitutional, not otherwise. Mr. McC. repeated this was a great national work, and so the House had decided at the extra session. He thought it was proper, however, to limit the expenditures of the board.

Mr. Walker suggested these arguments as to expenditure were out of place. The bill made no appropriation but that of $20,000 for the expenses of the board. The only object of the bill, in regard to means, was to enable the board to use the $500,000 returned to the levee fund by a bill previously passed.

Mr. Elam maintained the applicability of his objections and his amendment to the bill.

Mr. Bailey regarded the bill as practically creating a debt, and under the Constitution no debt could be created without providing the ways and means for its liquidation.

Mr. Tucker delivered a speech of considerable length in favor of the bill. The question raised by the gentleman from De Soto should be met fairly and squarely, and he was prepared to meet it. The necessity of leveeing the Mississippi and its tributaries was felt by all. It embraced the commercial interests of the whole State. He regarded the spirit manifested as one of great illiberality, an unbecoming spirit. And he was struck with the great inconsistency of some of the members of the House, in connection with this matter of State taxation, for, as it was argued, partial benefits. It would be remembered that in the prosperous times of the State a common school system was established, to be supported by general taxation. The alluvial parts of the State were then the great tax payers. There was accumulated the wealth of the State. But the number of children attending schools in the alluvial districts was comparatively very small. The consequence was that the money contributed in the alluvial districts was almost entirely spent in the hill lands. For instance, his own parish of St. Mary paid annually a school tax of $16,000, and received back but from $3000 to $4000. The rest went to educate the children of the poor in the hills, who paid little or no taxes. These hill gentlemen did not think that tax oppressive. They did not see that it was a general tax for sectional benefits; nor did the people of the alluvial districts object. They were influenced by large and enlightened views of public interest. But now, in a time of great calamity, when the levees were all swept away, and the inhabitants of the lowlands were at the mercy of the coming flood, they were told it was unconstitutional and outrageously unjust to impose a tax to shield these people from utter ruin. The expense, it was declared, must be borne by the sufferers themselves. Such illiberality must strike all. He had fought this spirit until he was sick and disgusted with it.

Mr. Kent observed that although the people of the pine hills might not be able to pay much taxes, they did their duty by raising plenty of children. He himself was a poor man, but he had ten children, and he thought that was doing quite as much for the State as the gentleman from St. Mary had done.

On motion of Mr. McConnell, Mr. Elam's substitute was laid on the table—yeas 50, nays 29.

Mr. McConnell then offered an amendment that the Board be limited in its expenditure to twelve hundred thousand dollars.

Messrs. Walker and Bailey withdrew their amendments, and Mr. McConnell's was adopted.

On motion of Mr. McCloskey, the bill was further amended, so that members of the board should not be allowed per diem for more than thirty-six days in a year.

Thus amended, the bill passed its second reading, by a vote of 50 to 23.

And the House adjourned to Monday.

Local Intelligence.

APPOINTMENTS BY THE GOVERNOR.—The following appointments have been made by Governor Wells:

J. D. Allen, notary public for the parish of Rapides.

Richard J. Butler, justice of the peace for the 11th ward, parish of Terrebonne.

Jack Sharp, Armand Cousin and Ivy Thigpen were, by mistake, reported as appointed police jurors for the parish of Carroll. They are for the parish of St. Tammany.

POLICE APPOINTMENT.—Sergeant Charles Petrie, who has been holding forth in the First District, and who has shown himself to be an officer of great intelligence, energy, and exceedingly successful in the accomplishment of the detection and arrest of criminals, has been promoted to the charge of the Pacanier District. A good police officer is there.

ORDERED OUT OF TOWN.—Special officer Trower, in charge of the detective office of the First District, than whom no more admirable officer, or one more capable and efficient in every respect, is now connected with the police, brought to the notice of Recorder Kruebbe one Thomas Burns alias Brockey Burns, and charged him with being a dangerous and suspicious character. Trower arrested Burns in an establishment on Carondelet street, where sports try the metal of game cocks, taking him, knowing that he he was an old offender and believing that he had burglars' tools upon him. The tools were not there, but the evidence of the special officer was so conclusive that the Recorder ordered that Burns' picture should be taken for the purpose of being placed in the "Rogues' Gallery," and that he should leave town within twenty-four hours. As the fellow left the bar of the court he showed his nature, by expressing an intention, in a venomous manner, to be revenged on special officer Trower as soon as he got an opportunity. The officer rather thinks that little arrangement will be "no go," or if any future transactions occur between them he will be the one to have charge of them.

THE LIGHTING OF THE CITY—*Petroleum vs. Gas.*—The terms demanded by the Gas Company for lighting the town having been deemed exorbitant by the city authorities, they advertised for proposals to throw light upon property and people with coal oil, known otherwise as petroleum. Various communications have been received from Cincinnati and other Northern villages in regard to the matter, making inquiry as to the specifications. These are now ready. The principal conditions are that the contract is to be for five years; that the contractor will be bound in the most rigid manner to perform what he promises to do; that he will have to give $20,000 security for the faithful performance of what he has to do; that a fine of $50 will be imposed for every lamp out of order, and that the contractor will be generally required to "toe the mark" in a thorough manner. From twenty-five hundred to three thousand lamps will be required.

LOSS OF LIFE.—We regret to report that the fire on board the steamship Norwich resulted in loss of life. The coroner held an inquest yesterday on the body of Harry May, a native of England, aged 25 years, who was found dead on board the vessel. A verdict was rendered that he was suffocated to death on board the Norwich in an accidental manner.

GRAND JURY FINDINGS.—The Grand Jury, yesterday, found a true bill against Charles O'Brien, for the murder of his wife, on the 28th of January last, in a house on Old Levee street. The woman, as shown at the Coroner's inquest, was strangled to death with a rope.

ANOTHER CHANCE.—Saliba, who murdered a fruit seller in the French Market on the 1st of November, 1864, and who was found guilty and sentenced to death, has another chance, as the Supreme Court has granted him a new trial.

Fortune Wright, the colored soldier, who was to have been executed by the military authorities yesterday, has been a fourth time reprieved. One week longer is granted him, as there is a possibility that his sentence will be commuted by President Johnson. Wright was convicted by court-martial of the murder of Dr. Trezevant, of Carrollton.

ATTEMPTED ESCAPE FROM THE PARISH PRISON.—Four individuals, worthily citizens of the parish prison, two or three of whom will go up to the State Penitentiary at Baton Rouge, made a very bold and skillful attempt to escape from the parish prison, a couple of nights ago. They managed to secrete the knives they received to use when dinner was furnished them, then fashioned them into rude saws, and finally succeeded in cutting the bars of the cell in which they were confined, so that they could get out. They got down into the yard from the second story, but were discovered so promptly by one of the watchmen that the alarm was immediately communicated to Capt. Crozat, keeper of the parish prison. He fired into the party, wounded one of them, and the others surrendered in good time for their own personal safety.

STOLEN PROPERTY FOUND.—Special officers Malone and McIntyre yesterday found at the house of Jacob Thompson, now under arrest on a charge of robbery, a painted tin money box with brass handles that had been forced open, a silver goblet, an old fashioned silver bracelet with two raised devices on it, a box full of metalic cartridges, etc.

The goblet was identified last night as having been stolen about three weeks ago from the residence of Mr. Jules Gaillard.

INTERESTING TO BALL COMMITTEES.—Judge Theard yesterday decided, in the Fourth District Court, that associations or persons giving public balls, had a right to exclude or admit whom they pleased. This opinion of the Court was given in dismissing a suit for damages of $5000, by a lady who was required to leave Odd Fellows' Hall, by one of the managers of a ball given there some time ago.

ADMITTED TO BAIL.—William C. S. Wetmore and Edward C. Turpin, the former charged with the killing of Henry L. Newberry, and the latter with being accessory before the fact, were yesterday ordered to be admitted to bail, by Judge Abell, of the Criminal Court. We stated, yesterday, that an application for the privilege of bail had been made the previous day, by their counsel, Humphrey Marshall, Esq. The Judge postponed giving a decision until he could hear the statement of Mr. N. B. Wetmore. This gentleman was in Court yesterday. The principal accused is to give a bond of $10,000, and Edward Turpin $5000.

CONTRABAND GOODS.—The Surveyor of the Port yesterday seized four hundred and fifty Mexican blankets on board the Doubloon, as smuggled goods.

ACCIDENT.—Two men, named Michael Kuealy and Daniel Cashman, whilst removing a corpse last night, in a house at the corner of Victory and Spain streets, had their legs broken by the giving way of a staircase. Mr. Kuealy was carried to his residence, and Mr. Cashman to the Charity Hospital.

VICIOUS.—Lewis Davis, a colored individual, was arrested by officer Durrin last night, on Dryades street. The darkey is charged with committing assault and battery and mayhem on a Mr. Biggins.

THE MAGNOLIA STREET BRIDGE.—The city authorities have received a petition to have a double track bridge put over the New Canal at the intersection of Magnolia street. The bureaus, we understand, deem it advisable to leave the matter over for the consideration of a Common Council, as the expense would be a heavy one—some twenty thousand dollars.

COUNTERFEIT BILLS.—A man named Michael Mulloy was arrested last evening at the corner of Second and Water streets, by officer Jordan, at the instance of Henry Fisher, who accused him of passing counterfeit $50 bills. Recorder Kruebbe will take a preliminary view of the case this morning.

CRIMINAL COURT.—*Tried for Murder and Convicted.*—Matthew Jurche was yesterday placed upon his trial in the Criminal Court, for the murder of Vincent Descovitch, on the 27th of March, 1862, in a house on Clara street. The following jurors were empanelled to try the case: W. Hout, Thos. Taquino, Robt. D. Urquhart, Richard Deverges, Levron, Charles Sazenead, Louis Tainturier, A. M. Calonge, Joseph Joubert, J. A. St. Cyr, P. Lusey, H. M. Fortier.

The prisoner was tried in 1863 before Judge Heistand, and found guilty. An appeal was taken by his counsel to the Supreme Court, on a bill of exceptions to the ruling of the Court, that the jury were not judges of the law and the facts—judges only of the facts. The Supreme Court held that the Court erred in its charge, and sent the case back for trial. The same witnesses that appeared on the former trial were present yesterday. The substance of the testimony for the State was, that the accused and deceased met accidentally in the house of a Mrs. Lamb. Descovitch asked Jurche to pay him a bill owed by the latter. Jurche refused. An altercation then ensued, and the prisoner was seen to place his hand in his breast. The next seen was that Descovitch had a chair uplifted, and was stabbed twice by the accused—through the heart by both wounds, as subsequently ascertained by post mortem examination. A Mrs. McGuire ran to the prisoner, and after receiving two wounds, succeeded in getting the knife from him. He then fled, but was pursued and apprehended. One of the witnesses testified to hearing the deceased exclaim, "Don't cut me; I am unarmed." The witnesses who saw the chair uplifted, testified yesterday that they could not tell whether it was raised for purposes of defense or aggression.

The defense only introduced one witness, ex-Recorder Vennard, the evidence written at the time having been lost, with a view of showing that when the witnesses were examined before him in 1862, they had stated that the chair had been raised for the purpose of striking. Mr. Vennard's evidence showed that there was no inconsistency between the testimony given yesterday and that offered when the examination took place before him.

The case was then argued for the State by Attorney General Herron and District Attorney Fuller, and for the defense by Mr. John Henderson.

The jury retired about 4 o'clock, and after a brief deliberation, returned into Court with a verdict of "Guilty, without capital punishment."

RECORDER KRUEBBE'S COURT.—John Alexander Grans, colored, charged with having a hankering after Mrs. Mary Tilman's property, was committed to the workhouse for six months.

Joseph Bradford, colored, was committed for trial to the Criminal Court for carrying a concealed weapon.

Wm. A. Passman, colored, was committed for trial on a charge of stealing a mule belonging to Michael Kennedy.

Tom Smith pleaded guilty to committing an assault and battery on G. Martin, and was committed for trial.

C. W. Norton, for cutting Wm. Donnelly, will also have to appear before Judge Abell and a jury.

PROVOST COURT—*Judge Benedict.*—The United States vs. Samuel Kehoe, 1st United States Infantry. Larceny of a horse and buggy. Sentenced to two months in the police jail. Kehoe was drunk at the time, and the judge we presume thought the affair more a lark than a larceny, or the sentence would have been heavier. The prisoner will get into real trouble if he keeps on larking in that style.

A number of cases were continued over until to-day, and to other days next week.

RECORDER GASTINEL'S COURT.—L. Findler was arraigned yesterday on a charge of carrying a revolver concealed, and the case will be investigated in due time. Judge Gastinel, seeing that the fines imposed by him for this offense were not abating such an unmanly and unjustifiable practice, has resolved to put those who violate the law in this respect through the mill regularly. This course, we are satisfied, will have an excellent effect.

Saverius Totisco, Jos. Gabriel, Francisco Carrag and Natishee Tedicco, were arraigned and held to answer a charge of assault and battery, preferred against them by R. Allen.

The other cases before the Recorder were too trifling to notice.

TELEGRAPHIC DISPATCHES.

IMPORTANT FOREIGN NEWS.

Increase of the Cattle Plague—Fenian Arrests, Trials and Arm Seizures—Supposed Chilian Privateer [illegible].

The Queen of Spain has Given Birth to a Son. Prim Surrenders in Portugal—Reply to Queen Isabella's Speech.

England Declines a Conference on Schleswig Holstein—The Queen to Open Parliament in Person.

WASHINGTON NEWS AND GOSSIP.

Mr. Sherman Stigmatizes Kentucky Rebels [illegible]—Ex-President Pierce Endorses President Johnson.

Bureau for Redeeming Mutilated Currency—Military District Discontinued—Another Constitutional Amendment.

Forty-Eight Million Acres of Southern Lands Apportioned for Homesteads—Neutrality on the Mexican Question.

No Compensation for Emancipated Slaves—United States C. I. Officer Arrested for Diverting Public Funds.

COMMERCIAL INTELLIGENCE.

[Associated Press Dispatches.]

NEW YORK, Feb. 9.—The steamship Australasian from Liverpool the 25th and Queenstown the 27th ult., has arrived with two days later news.

Lord Monck, the Governor General of Canada, is a passenger by the Australasian.

The cattle plague continues to increase. There were over ten thousand cases last week.

The Fenian arrests and trials continue daily in Dublin. The police had seized a number of sword bayonets in an Orange lodge. Arms were also seized at Belfast.

A vessel in the Thames, about sailing for Peru, was detained at the instance of the Spanish Consul, alleged to be designed to make war on Spanish commerce, under the Chilian flag.

The Bank of France gained nearly 3,750,000 francs bullion during the week.

The Queen of Spain has given birth to a son.

Gen. Prim, with 600 cavalry, has arrived at Barrancus, Portugal, and declared his readiness to deliver up his horses and accouterments to the Spanish commander.

The Spanish Senate address responding to the Queen's speech expresses its regret at the Chilian hostilities, and trusts the government will cause the honor and dignity of Spain to be respected.

England has declined France's suggestion for a conference on the Schleswig-Holstein question.

The English Parliament was to be opened on the 6th of February by the Queen in person.

The Times shows hostilities to the Americans in a moderate measure, and that the contents of a bill which only deals with the franchise will not deserve the name of reform bill.

LIVERPOOL, Jan. 27.—The sales of cotton to-day amounted to 6000 bales. Prices closed irregular and generally rather lower.

Breadstuffs and provisions quiet.

LONDON, Jan. 27.—Consuls 87. American securities are rather easier—U. S. 5.20's at 66½.

Sugar is steady full rates.

The Paris bourse closed flat at 68f. 65c. for rentes.

It was reported that Chilian privateers had appeared off Valencia and chased coasting vessels. The Spanish vessels denounce them as pirates.

LIVERPOOL, Jan. 27.—Beef steady. Pork quiet. New American 87's. 6d.@90's. 2d. Bacon advanced 1s. Lard in little demand. Wheat in moderate demand. Corn in fair demand at 2s. 3d.

WASHINGTON, Feb. 8.—*Senate.*—Mr. Clark, of New Hampshire, introduced a bill to amend the judicial system of the United States, which was referred to the Committee on Judiciary.

Mr. Cowan presented a petition for the repeal of the homestead law.

Mr. Howe presented a petition of a city in Wisconsin, asking Congress to spend no more time in discussing whether the Southern States are in or out of the Union, but to legislate to protect loyal men there, both black and white.

In reply to Mr. Guthrie, who denied that Kentucky was ever disloyal, Mr. Sherman said the rebels of Kentucky were the most troublesome during the war.

NEW YORK, Feb. 9.—Ex-President Pierce made a brief address at the New Hampshire Democratic Convention, endorsing President Johnson's annual message, and saying he was pleased to greet as coworkers in a noble cause all who desire the immediate restoration of the Southern States to their rights, and who are willing to join in saving whatever may be saved for the prosperity of our common country.

The Herald's Washington special gives the report that the office of cashier of internal revenue is to be abolished, as little or no money is paid into the Washington office. A bureau for redeeming mutilated currency is to be re-established.

The Commercial's special says Napoleon's speech gives general satisfaction. The strictest neutrality will continue to be preserved by our government. The issue between Maximilian and Juarez must be alone decided by Mexicans on Mexican soil.

The Post's special says the bill passed by the House of Representatives, apportioning the public lands in the Southern States, provides for the division of 48,000,000 acres into homesteads.

The Judiciary Committee of the House will soon report another amendment to the Constitution, prohibiting compensation for emancipated slaves in the Southern States.

NEW YORK, Feb. 9.—Senor McKenna has published a letter in the Herald, attempting an explanation of the circumstances connected with the recent proceedings against him.

He says all the suspicions that he was engaged in a scheme to fit out Chilian expeditions here, with all the mysterious details and novel incidents of his arrest, and all sorts of inventions published by the press, are all of them fictitious and gotten up to excite curiosity or for some less noble motives. He promises before the courts to maintain the justice and legality of his proceedings.

WILMINGTON, Feb. 9.—Orders have been received discontinuing this military district. It is thought it will soon be merged into that of Virginia and South Carolina.

Lieut. Luckins, of the 30th U. S. C. I., late ordnance officer at this post, has been placed in close arrest charged with malappropriating the public funds.

LOUISVILLE, Feb. 9.—Flour unchanged; good demand for lower grades. Wheat dull at $1. Corn dull at 55c. Oats 35c. Groceries quiet. Cotton dull and nominal. Whisky dull and nominal. Hogs $12. Pork $29. Hams 17½c. Lard 18¼.

NEW YORK, Feb. 9.—The cotton market closed heavy at 46c. for middling. Flour firmer for high grades. Whisky $2 24. Pork $21 12½. Hogs dull at 12½c. Lard 18½c.

Sterling exchange 107¾. Gold closed 138¾.

[From Yesterday's Evening Papers.]

NEW YORK, Feb. 9.—Nelson Stuart, in the District Court of Brooklyn, charged with counterfeiting national currency, has been convicted.

The Tribune's Washington special says a board of officers assembles at Washington March 10, or soon thereafter, to decide what form and caliber of the breach loading arms should be adopted as a model for infantry muskets; also, what form and caliber for cavalry carbines. Also, a model for a charge of the muskets already constructed to the breach loading. Whoever submits an arm must state in writing the lowest price. In the case of its being adopted all facilities will be granted for experiment. Major Gen. Hancock is the senior officer of the board.

The Tribune's Washington special says the following is the card returned by Gen. Butler to Gen. Grant's *carte d'invitation* to his reception: "Gen. Butler has the honor to decline the invitation of Lieut. Gen. Grant. Gen. Butler has now no desire for further acquaintance."

Col. Rowland has notified the government that the Northern Pacific Railroad Company are about to construct the line. Subscriptions will soon be opened throughout the country.

Gen Butler, in the long course of his criminal practice at the Massachusetts bar, cheated the gallows so often by his ingenuity that he is now anxious to atone for his past conduct by making drafts upon the late Confederates in favor of Jack Ketch.

The Providence Press makes the incredible statement that a Hartford photographer has succeeded in taking a picture of himself, trundling himself home in a wheelbarrow.